

REMARKS

The Examiner finally rejects claims 1-15 under U.S.C. §103(a) as being unpatentable over Wang (U.S. Patent No. 6,118,817) in view of Ackland et al. (U.S. Patent No. 5,739,562). This amendment is filed in response to the Examiner's remarks in the Advisory Action dated October 14, 2004, and accompanies a request for continued examination. Applicant amends claims 1, 6, and 11. Claims 1-15 remain in the application. Applicant adds no new matter and requests reconsideration.

Claim Rejections - 35 U.S.C. §103

In the advisory action, the Examiner clarifies the previous two rejections, and responds to Applicant's arguments in disagreement. Applicant submits the foregoing amendments to further emphasize the differences between Applicant's claims and the prior art.

Amended claim 1 recites *determining whether the computed bandwidth constrained frame rate is smaller than a frame rate requested from the imager*. See, e.g., page 5, line 4-24 and page 7, lines 26-27 for descriptive support for the added concept. Claims 6 and 11 have been amended to add a similar limitation. From the Examiner's remarks, it appears that the Examiner and Applicant are in substantial agreement that the claims as amended are novel and unobvious since they clearly exclude the ability of Wang's encoder 100 to request a frame rate from itself. Since it is clear from the language of amended claim 1 that the frame rate is *requested from the imager*, Wang does not anticipate claim 1, or claims 6 and 11, or their corresponding dependent claims.

Amended claim 1 recites *computing a bandwidth constrained frame rate from a frame size of an imager and a bandwidth of a link, where the bandwidth constrained frame rate is the rate at which frames may be transferred from the imager*. See, e.g., figure 1, page 3, lines 11-18, page 5, lines 10-16, and page 7, lines 18-21 for descriptive support for the added concept. Claims 6 and 11 have been amended to add a similar limitation. The Examiner alleges Wang's frame rate controller 120 within encoder 100 computes the recited *bandwidth constrained frame rate* by adjusting a frame rate of an encoded video signal 1550 based on the cumulative bandwidth balance on a computer network 1104. Advisory Action, page 2; Wang, figures 1 and 11; col. 15, lines 23-26. Wang, however, does not disclose frame rate controller 120 adjusting the *rate of frames transferred from the imager* or adjusting any frame

rate based on the *frame size of the imager*. Wang, therefore, does not anticipate claim 1, or claims 6 and 11, or their corresponding dependent claims.

The Examiner further alleges Wang's frame rate controller 120 inherently computes the recited *bandwidth constrained frame rate*. Advisory Action, page 2. Wang, however, clearly states that the encoder 100 adjusts the frame rate of an encoded video signal 1550 by altering the number of frames from the source video signal 1540 that pass through frame rate controller 120. Wang, figure 8; col. 16, lines 16-42; col. 15, lines 41-49 (where frame rate controller 120 passes every *n*th frame received via the source video signal, and the value of *n* is incremented or decremented depending on the threshold comparisons). Since frame rate controller 120 adjusts the frame rate of signal 1550 by controlling the number of frames able to pass through encoder 100, Wang does not *compute* the frame rate of signal 1550. Wang, therefore, does not anticipate claim 1, or claims 6 and 11, or their corresponding dependent claims.

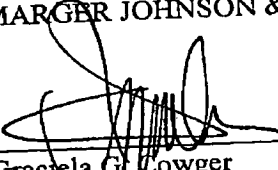
Furthermore, neither Wang nor Ackland provide any motivation to combine the inventions described therein. The Examiner alleges that "it would have been obvious for one skilled in the art to have been motivated to include the concept of determining an integration time for an imager based on the current frame rate as taught in Ackland in the video signal acquisition circuitry that provides images to the encoder disclosed by Wang," since "[d]oing so would provide a means for determining the integration time of an imager providing images based on the frame rate that the image is updated at." Advisory Action, page 2. Even if Ackland taught determining an integration time from a frame rate, this combination would not have provided motivation for incorporating the integration time determination into Wang's encoder 100 since encoder 100 does not determine or monitor the rate at which frames are transmitted from video acquisition circuitry 1270. In other words, it is impossible for encoder 100 to determine the integration time of the video acquisition circuitry 1270 from an undetermined or undetected frame rate. Moreover, since Wang's interconnect 1206, coupled between the encoder 100 and the video acquisition circuitry 1270, is not bandwidth limited, encoder 100 has no motivation to alter the integration time of the video acquisition circuitry 1270. Thus combining the references, as the Examiner suggests, is to no avail. Applicant therefore respectfully requests that this rejection be withdrawn and the pending claims be allowed to issue.

CONCLUSION

Applicant requests reconsideration and allowance of all claims. Applicant encourages the Examiner to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

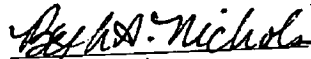
Respectfully submitted,

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I hereby certify that this correspondence
is being transmitted to the U.S. Patent and
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(703) 872-9306, on October 27, 2004.


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AMENDMENT

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